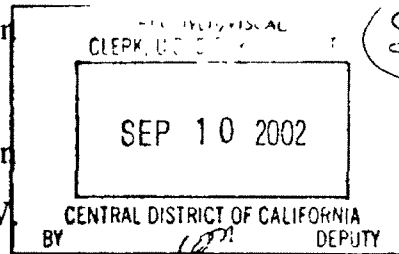


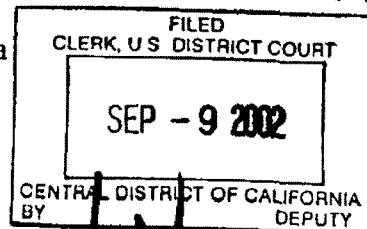
AR: Montrose Settlements Restoration Program  
Administrative RecordTitle: Application for distribution of monies [from the  
Montrose Court Registry Account] and Order

1 THOMAS L. SANSONETTI  
 2 Assistant Attorney General  
 3 Environment & Natural Resources Division  
 4 United States Department of Justice  
 5 STEVEN O'ROURKE  
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 11 Telephone: (202) 514-2779

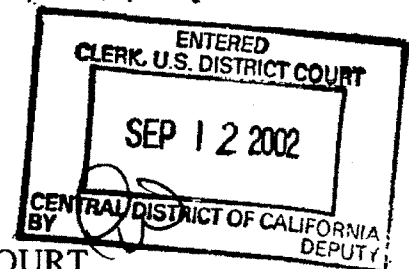


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 11 Assistant Attorney General  
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 16 Telephone: (213) 897-2702



13 Attorneys for State of California, et al.



## UNITED STATES DISTRICT COURT

## CENTRAL DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA and  
 17 STATE OF CALIFORNIA,

18 Plaintiffs,

19 v.

20 MONTROSE CHEMICAL  
 21 CORPORATION  
 22 OF CALIFORNIA, et al.,

23 Defendants.

24 AND RELATED COUNTER, CROSS,  
 25 AND THIRD PARTY ACTIONS.

NO. CV 90-3122-R

**For Ruling By Special Master**  
**John Francis Carroll**

APPLICATION OF UNITED STATES  
 OF AMERICA AND THE STATE OF  
 CALIFORNIA TO THE SPECIAL  
 MASTER FOR DISTRIBUTION OF  
 MONIES FROM THE MONTROSE  
 COURT REGISTRY ACCOUNT

**AND ORDER**

THIS CONSTITUTES NOTICE OF ENTRY  
 AS REQUIRED BY FRCP, RULE 77(d).

2692

1 Pursuant to this Court's Order Directing the Deposit of Settlement Monies  
2 with the Clerk of the Court and Directing the Clerk to Deposit all Settlement Monies with  
3 the Court Registry Investment System ("the Order"), entered May 11, 1992 (a copy of  
4 which is attached hereto as Exhibit 1), the United States and the State of California  
5 hereby jointly apply on behalf of the Trustees to the Special Master for the distribution of  
6 monies to the United States from the CRIS account entitled "United States, et al. v.  
7 Montrose Chemical Corporation of California, et al., Registry Account."

8 The Order provides in Paragraph 8 as follows:

9 "Settlement monies in the U.S. v. Montrose Registry Account shall be  
10 distributed to the Trustees, without hearing, upon order of the Special  
11 Master upon the joint application of the United States of America and the  
12 State of California on behalf of the Trustees."

13 Accordingly, plaintiffs respectfully request that the Special Master enter the  
14 proposed order submitted herewith directing the Clerk of the Court to make the following  
15 distributions:

- 16 1. The sum of \$910,345 to the United States Department of the Interior. This  
17 disbursement is sought pursuant to a resolution which the Montrose Trustee  
18 Council unanimously adopted on April 16, 2002, authorizing this  
19 disbursement. A copy of the resolution is attached hereto as Exhibit 2.  
20 Plaintiffs request that the check in the amount of \$910,345 be made payable  
21 to the Department of the Interior and that it be sent to the following:

22 Department of the Interior  
23 NBC/Division of Financial Management Services  
24 Branch of Accounting Operations  
25 Mail Stop 1313  
26 1849 C Street, N.W.  
27 Washington, D.C. 20240

28 Plaintiffs request that the check reference the following: (1) the Department  
of the Interior account number, to wit, 14X5198 (NRDAR), (2) this action,

1 i.e., United States, et al. v. Montrose Chemical Corporation of California, et  
2 al., and (3) the location of the site, to wit, Southern California.

- 3 2. The sum of \$17,300.21 to the California State Lands Commission. This  
4 disbursement is sought pursuant to a resolution which the Montrose Trustee  
5 Council unanimously adopted on June 11, 2002, authorizing this  
6 disbursement. A copy of the resolution is attached hereto as Exhibit 3.  
7 Plaintiffs request that the check in the amount of \$17,300.21 be made  
8 payable to the State Lands Commission and that it be sent to the following:

9 California State Lands Commission  
10 100 Howe Avenue, Suite 100-South  
11 Sacramento, CA 95825-8202  
Attention: Richard Gollihur

- 12 3. The sum of \$353,685 to the California Department of Fish and Game. This  
13 disbursement is sought pursuant to a resolution which the Montrose Trustee  
14 Council unanimously adopted on August 21, 2002, authorizing this  
15 disbursement. A copy of the resolution is attached hereto as Exhibit 4.  
16 Plaintiffs request that the check in the amount of \$353,685 be made payable  
17 to "DFG, Fish & Wildlife Pollution Account" and that it be sent to the  
18 following:

19 California Department of Fish and Game  
20 P.O. Box 944209  
21 Sacramento, CA 94244-2090  
Attention: Becky Mack

- 22 4. The sum of \$5 million to the National Oceanic and Atmospheric  
23 Administration ("NOAA"). This disbursement is sought pursuant to  
24 resolutions which the Montrose Trustee Council unanimously adopted on  
25 November 9, 1994 and May 23, 2001, authorizing disbursements to NOAA  
26 after January 2, 2002 of up to \$6 million. Copies of these resolutions are  
27 attached hereto as Exhibits 5 and 6. Plaintiffs request that the check in the  
28

1 amount of \$5 million be made payable to "NOAA, Department of  
2 Commerce" and that it be sent to the following:


3 NOAA/NOS/OR&R  
4 ATTENTION: Kathy Salter, DARRF Manager  
5 1305 East West Highway  
6 SSMC 4, Room 9331  
7 Silver Spring, MD 20910-3281

8 Plaintiffs request that the check reference this action, to wit, United States,  
9 et al. v. Montrose Chemical Corporation of California, et al.

10 DATED: September 3, 2002.

Respectfully submitted,

11 THOMAS L. SANSONETTI  
12 Assistant Attorney General  
13 United States Department of Justice

14   
15 STEVEN O'ROURKE  
16 Environmental Enforcement Section  
17 Environment and Natural Resources Division

Attorneys for the United States

18 BILL LOCKYER  
19 Attorney General of the State of California  
20 J. MATTHEW RODRIQUEZ  
21 Senior Assistant Attorney General

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23 JOHN A. SAURENMAN  
24 Supervising Deputy Attorney General

Attorneys for the State of California

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA and  
11 STATE OF CALIFORNIA,

12 Plaintiffs,

13 v.

14 MONTROSE CHEMICAL  
15 CORPORATION  
16 OF CALIFORNIA, et al.,

17 Defendants.

NO. CV 90-3122-R

~~PROPOSED~~ ORDER FOR  
DISTRIBUTION OF MONIES FROM  
MONTROSE COURT REGISTRY  
ACCOUNT

18 AND RELATED COUNTER, CROSS,  
19 AND THIRD PARTY ACTIONS.  
20

21 Pursuant to this Court's "Order Directing the Deposit of Settlement Monies with  
22 the Clerk of the Court and Directing the Clerk to Deposit all Settlement Monies with the  
23 Court Registry Investment System," entered May 11, 1992, the Special Master, upon  
24 joint application of the United States and the State of California, without hearing, directs  
25 the Clerk of the Court to issue the following checks from the CRIS account entitled  
26 "United States, et al., v. Montrose Chemical Corporation of California, et al., Registry  
27 Account":  
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1. A check in the amount of \$910,345 payable to the Department of the Interior. The check shall be sent to the following:

Department of the Interior  
NBC/Division of Financial Management Services  
Branch of Accounting Operations  
Mail Stop 1313  
1849 C Street, N.W.  
Washington, D.C. 20240

The check shall reference the following: (1) the Department of the Interior account number, to wit, 14X5198 (NRDAR), (2) this action, i.e., United States, et al. v. Montrose Chemical Corporation of California, et al., and (3) the location of the site, to wit, Southern California.

2. A check in the amount of \$17,300.21 payable to the State Lands Commission. The check shall be sent to the following:

California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202  
Attention: Richard Gollihur

3. A check in the amount of \$353,685 payable to "DFG, Fish & Wildlife Pollution Account." The check shall sent to the following:

California Department of Fish and Game  
P.O. Box 944209  
Sacramento, CA 94244-2090  
Attention: Becky Mack

//  
//  
//  
//  
//  
//  
//

- 1 4. A check in the amount of \$5 million payable to "NOAA, Department of  
2 Commerce." The check sent to the following:

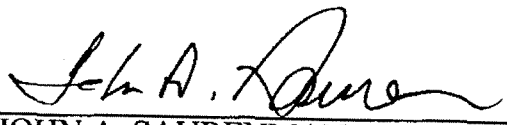
3 NOAA/NOS/OR&R  
4 ATTENTION: Kathy Salter, DARRF Manager  
5 1305 East West Highway  
6 SSMC 4, Room 9331  
7 Silver Spring, MD 20910-3281

8 The check shall reference this action, to wit, United States, et al. v.  
9 Montrose Chemical Corporation of California, et al.

10 DATED: 9/6/02

11   
12 JOHN FRANCIS CARROLL  
13 SPECIAL MASTER

14 Presented by:

15   
16 JOHN A. SAURENMAN  
17 Supervising Deputy Attorney General  
18 California Department of Justice  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SCANNED

**EXHIBIT 1**



1 BARRY M. HARTMAN  
2 Acting Assistant Attorney General  
3 Environment & Natural Resources Division  
4 United States Department of Justice

5 GERALD F. GEORGE  
6 HELEN H. KANG  
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13 ADAM M. KUSHNER  
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15 Environment & Natural Resources Division  
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17 Washington, D.C. 20530  
18 Telephone: (202) 514-5293

19 Attorneys for Plaintiff United States of America

(See next page for names of additional counsel.)

20 UNITED STATES DISTRICT COURT  
21 CENTRAL DISTRICT OF CALIFORNIA

22 UNITED STATES OF AMERICA;  
23 STATE OF CALIFORNIA ON BEHALF OF  
24 DEPARTMENT OF FISH AND GAME,  
25 STATE LANDS COMMISSION, AND  
26 DEPARTMENT OF PARKS AND RECREATION,

Plaintiffs,

v.

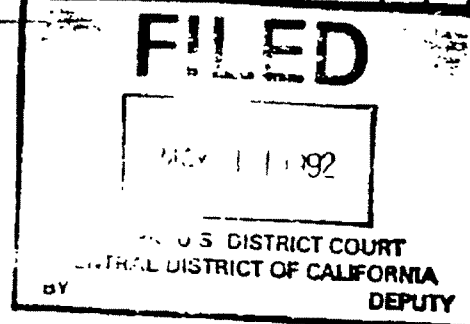
27 MONTROSE CHEMICAL CORPORATION  
28 OF CALIFORNIA;  
29 RHONE-POULENC BASIC CHEMICALS CO.;  
30 ATKEMIX THIRTY-SEVEN, INC.;  
31 STAUFFER MANAGEMENT COMPANY;  
32 ICI AMERICAN HOLDINGS, INC.;  
33 CHRIS-CRAFT INDUSTRIES, INC.;  
34 WESTINGHOUSE ELECTRIC CORPORATION;  
35 POTLATCH CORPORATION;  
36 SIMPSON PAPER COMPANY; AND  
37 COUNTY SANITATION DISTRICT NO. 2  
38 OF LOS ANGELES COUNTY,

Defendants.

NO. CV 90-3122-AAH (JRx)

~~PROPOSED~~  
ORDER DIRECTING THE  
DEPOSIT OF SETTLEMENT  
MONIES WITH THE  
CLERK OF THE COURT AND  
DIRECTING THE CLERK TO  
DEPOSIT ALL SETTLEMENT  
MONIES WITH THE COURT  
REGISTRY INVESTMENT  
SYSTEM

Int.	
Chief Clerk Div.	
Chief Crim. Div.	
Chief Tax Div.	
Chief Asst. For.	
Chief, Civil Frauds	
Admin. Officer	
Debt Coll. Unit	
Docket-Civil	
Docket-Criminal	
FILED	2
FILE	



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2 United States Attorney  
3 ~~Central District of California~~

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5 Chief, Civil Division

6 PETER HSIAO  
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23 SARA J. RUSSELL  
24 Deputy Attorney General  
25 2101 Webster Street  
26 Oakland, California 94612  
Telephone: (415) 464-0845

Attorneys for Plaintiff State of California

1  
2 Pursuant to Rule 67 of the Federal Rules of Civil  
3 Procedure, 28 U.S.C. § 2041, and United States District Court for  
4 the Central District of California Local Rule 22, and in  
5 accordance with the terms of the Consent Decree in the above-  
6 captioned matter between plaintiffs the United States of America  
7 and the State of California (hereinafter collectively referred to  
8 as the "Trustees") and Defendants Potlatch Corporation and  
9 Simpson Paper Company ("Settling Defendants"), it is hereby  
10 ORDERED that:

11 1. Settling Defendants, upon final approval of the  
12 Consent Decree, shall pay to the Clerk of the Court all sums as  
13 specified in paragraph 10 and paragraph 11 of the Consent Decree;

14 2. Settling Defendants shall make the payments  
15 specified in paragraph 10 and paragraph 11 of the Consent Decree  
16 by checks made payable to the "Clerk, United States District  
17 Court" in accordance with the procedures specified in  
18 subparagraph B of paragraph 10 of the Consent Decree;

19 3. The Clerk of the Court, consistent with subparagraph  
20 C of paragraph 10 of the Consent Decree, shall deposit the  
21 payments specified in paragraph 10 and paragraph 11 of the  
22 Consent Decree with the Registry of the Court in an interest  
23 bearing account administered through the United States District  
24 Court for the Central District of California. The account shall  
25 be entitled United States, et al. v. Montrose Chemical  
26 Corporation of California, et al., Registry Account ("U.S. v  
Montrose Registry Account");

1  
2 4. The U.S. v. Montrose Registry Account shall be  
3 established with the Registry of the Court specifically for, and  
4 only for, settlement monies collected in the above-captioned  
5 matter;

6 5. All settlement monies in the U.S. v. Montrose  
7 Registry Account shall be held in the name of the Clerk, United  
8 States District Court as stakeholder for, and solely for the  
9 benefit of, the Trustees.

10 6. All settlement monies in the U.S. v. Montrose  
11 Registry Account shall be invested in money market accounts  
12 and/or certificates of deposit and/or United States Treasury  
13 Bills with maturity dates not to exceed 91-days;

14 7. All income earned as interest on investment of  
15 settlement monies shall be credited to the U.S. v. Montrose  
16 Registry Account;

17 8. Settlement monies in the U.S. v. Montrose Registry  
18 Account shall be distributed to the Trustees, without hearing,  
19 upon order of the Special Master upon the joint application of  
20 the United States of America and the State of California on  
21 behalf of the Trustees;

22 9. Monthly reports showing settlement monies  
23 received, disbursements made, income earned, maturity dates of  
24 securities held, and principal balance of the U.S. v. Montrose  
25 Registry Account shall be prepared and distributed by the Clerk  
26 of the United States District Court for the Central District of

California to counsel for the United States of America and the State of California;

10. Settlement monies in the U.S. v. Montrose Registry Account, not otherwise distributed pursuant to Paragraph 8 above, shall remain on deposit with the Registry of the Court until final order of distribution by the Court or the Special Master, at which time all of the funds or a portion of the funds, together with any interest earned thereon, shall be retrieved by the Clerk of the Court and disbursed to the Trustees consistent with subparagraphs C and D of paragraph 10 of the Consent Decree;

11. Because the United States is a party to the action underlying the registry investment and pursuant to the amendment to the Fee Schedules for United States Courts published at 54 Fed. Reg. 20407 (May 11, 1989), the Clerk of the Court shall not deduct a miscellaneous schedule fee for the handling of U.S. v. Montrose Registry Account; and

12. A certified copy of this order and a copy of the Consent Decree referenced above shall be served upon the Clerk of the Court for the Central District of California.

So Ordered this 14th day of May, 1992.

A. ANDREW HAUK

A. ANDREW HAUK  
Senior United States District Judge  
and  
Chief Judge Emeritus

1  
2 CERTIFICATE OF SERVICE BY MAIL

3 I, Sharon Cipparrone, hereby certify and declare:

4 1. I am over the age of 18 years and am not a party to  
5 this case.

6 2. My business address is 301 Howard Street, Suite  
870, San Francisco, California 94105.

7 3. I am familiar with my employer's mail collection  
8 and processing practices; know that said mail is collected and  
9 deposited with the United States Postal Service on the same day  
it is deposited in interoffice mail; and know that postage  
thereon is fully prepaid.

10 4. Following said practice, on April 10, 1992,  
I served a true copy of the attached documents entitled:

11 [Refused]  
12 ORDER DIRECTING THE DEPOSIT OF SETTLEMENT  
13 MONIES WITH THE CLERK OF THE COURT AND  
DIRECTING THE CLERK TO DEPOSIT ALL SETTLEMENT  
MONIES WITH THE COURT REGISTRY INVESTMENT SYSTEM

14 by placing it in an addressed sealed envelope with postage fully  
15 prepaid, and depositing it in regularly maintained interoffice  
mail to the following:

16 See Attached List

17 I declare under the penalty of perjury that the  
18 foregoing is true and correct.

19 Executed on April 10, 1992, at San Francisco,  
20 California.

21 Sharon Cipparrone  
22 Sharon Cipparrone  
23  
24  
25  
26

Jose Allen/Peter Simshauser  
SKADDEN, ARPS, SLATE, MEAGHER  
and FLOM

Four Embarcadero Center  
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MCAULLIFFE  
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Chino Basin Municipal Water  
District  
8555 Archibald Avenue  
Rancho Cucamonga, CA 91730

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Lakewood, CA 90712

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14	Pico Rivera, CA 90660	One Maritime Plaza
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		San Francisco, CA 94111
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	Deputy City Attorney	Caroline DiBona
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17	Santa Monica, CA 90401-3295	Mail Stop 6023, MIB
		1849 "C" Street, NW
		Washington, DC 20240
18	City Attorney	
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	Torrance, CA 90503	Long Beach Federal Building
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	City of Vernon	Suite 4470
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	Vernon, CA 90058	
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24	Walnut, CA 91789	One International Place
		Boston, MA 02110-2624
25	City Attorney	
	City of Whittier	Harry L. Gershon
26	13230 Penn Street	B. Tilden Kim
	Whittier, CA 90602	RICHARDS, WATSON and GERSHON
		333 South Hope Street
		Thirty-Eighth Floor
		Los Angeles, CA 90071-1469



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		Diamond Bar, CA 91765
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8	Sixteenth Floor	Suite 7000
9	Los Angeles, CA 90017	Orange, CA 92668
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12	2000 Pennsylvania Avenue, NW	U.S. EPA - Region 9
13	Washington, DC 20006	75 Hawthorne Street
14	Peter Hsiao	San Francisco, CA 94105
15	Assistant U.S. Attorney	Karl S. Lytz
16	Federal Building, Room 7516	LATHAM and WATKINS
17	300 North Los Angeles Street	701 "B" Street, Suite 2100
18	Los Angeles, CA 90012	San Diego, CA 92101-8197
19	Christine Humway	B. Richard Marsh
20	U.S. Department of Justice	KNAPP, MARSH, JONES and DORAN
21	Torts Branch/Civil Division	515 South Figueroa, Suite 1240
22	Box 340 Ben Franklin Station	Los Angeles, CA 90071
23	Washington, DC 20044	
24	Richard D. Jones	Shawn Mason
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	Assistant General Counsel	Department of the Interior
	ICI Americas Inc.	Office of the Regional
	Law Department/General Section	Solicitor
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	MARKMAN, ARCZYNSKI, HANSON	MCCLINTOCK, WESTON, BENSHOOF,
	and KING	ROCHEFORT, RUBALCAVA & MACCUISH.
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	Brea, CA 92622-1059	Los Angeles, CA 90071
	Adam Kushner	Christopher J. McNevin
	U.S. Department of Justice	Marvin I. Bartel
	ENRD/EES	PILLSBURY, MADISON and SUTRO
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	Ben Franklin Station	Suite 1200
	Washington, DC 20044	Los Angeles, CA 90017

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2	RUTAN and TUCKER	U.S. Department of Justice
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	Costa Mesa, CA 92626	Post Office Box 23986
4	Robert R. Orellana	Washington, DC 20026
5	Assistant County Counsel	Stephanie R. Scher
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10	Gordon Phillips	Roger W. Springer
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13	Redondo Beach, CA 90277	Los Angeles, CA 90012
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15	FISHER and PRAGER	ADAMS, DUQUE and HAZELTINE
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17	Third Floor	Los Angeles, CA 90014
18	Los Angeles, CA 90025	Mark I. Weinberger
19	Phil Recht	SHUTE, MIHALY and WEINBERGER
20	Christopher Foster	396 Hayes Street
21	MANATT, PHELPS and PHILLIPS	San Francisco, CA 94102
22	11355 West Olympic Boulevard	Scott S. Widitor
23	Los Angeles, CA 90064	GLASMAN, COLVIN and ADAMS
24	Cary Reisman	1601 West Beverly Boulevard
25	WALLIN, KRESS, REISMAN,	Montebello, CA 90640
26	PRICE and DILKS	Rufus Young, Jr.
27	2800 28th Street, Suite 315	BURKE, WILLIAMS and SORESEN
28	Santa Monica, CA 90405	611 West Sixth Street
29	Julie Rubin	Suite 2500
30	LAW OFFICES OF	Los Angeles, CA 90017
31	JAMES WEIDERSCHALL	Mark A. Zirbel
32	21800 Oxnard Street, Suite 1080	ARNOLD and BACK
33	Woodland Hills, CA 91367	300 Esplanade Drive
34	Sara J. Russell	Suite 1200
35	Deputy Attorney General	Oxnard, CA 93030
36	2101 Webster Street	
37	Twelfth Floor	
38	Oakland, CA 94612	
39	John A. Saurenman	
40	Deputy Attorney General	
41	300 South Spring Street	
42	Fifth Floor	
43	Los Angeles, CA 90013	

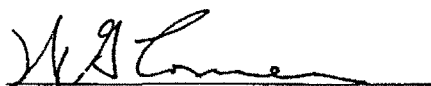
**EXHIBIT 2**

TRUSTEE COUNCIL RESOLUTION 02-2  
ADOPTED April 16, 2002

MONTROSE TRUSTEE COUNCIL RESOLUTION REGARDING  
PAST COSTS - Partial Reimbursement to the  
Department of the Interior

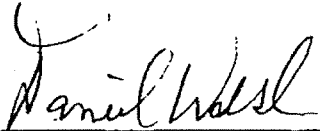
1. The National Oceanic and Atmospheric Administration; the State of California acting through the State Lands Commission, the Department of Parks & Recreation and the Department of Fish & Game; and the Department of the Interior, acting through the U.S. Fish & Wildlife Service and the U.S. Park Service are the natural resource trustees (Trustees) for natural resources injured by releases of DDT and PCBs into the Southern California Bight.
2. Sums recovered in the civil action *United States, et al. v. Montrose Chemical Corp., et al.*, No. CV 90-3122-R (C.D. Cal. 1990) are being held in a registry account administered by the U.S. District Court for the Central District of California.
3. The Trustees have entered into a memorandum of agreement (MOA), as modified, that establishes a Trustee Council (Montrose Trustee Council) composed of one voting member for each trustee agency. Under the terms of that MOA, the Montrose Trustee Council is authorized to disburse funds for activities related to the damage assessment and restoration process.
4. The Montrose Trustee Council resolves unanimously to authorize disbursement of \$910,345.00 from the registry account to the Department of Interior for partial reimbursement for past damage assessment costs incurred by the Fish and Wildlife Service, the National Park Service, the Office of Environmental Policy and Compliance, and the Office of the Solicitor (see attached memorandum and Attachment A).
5. The effective date of the Resolution shall be the date on which the last Trustee signs this document.

CONCURRED in by the following who are the duly authorized Montrose Trustee Council Representatives:



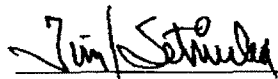
William Conner  
National Oceanic &  
Atmospheric Administration

4/16/02  
Date



Daniel Welsh  
U.S. Fish & Wildlife Service

4/16/02  
Date



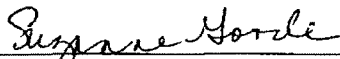
Timothy J. Setnicka  
National Park Service

4/16/02  
Date



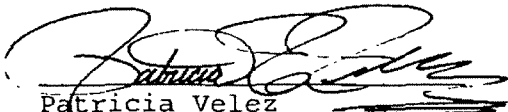
Jonathan Clark  
State Lands Commission

4/16/02  
Date



Suzanne Goode  
Department of Parks &  
Recreation

4-16-02  
Date



Patricia Velez  
Department of Fish & Game

4-16-02  
Date



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

Office of General Counsel  
Suite 4470  
501 West Ocean Boulevard  
Long Beach, CA 90802  
[katherine.pease@noaa.gov](mailto:katherine.pease@noaa.gov)

15 April 2002

MEMORANDUM FOR: William Conner, Chief, Damage Assessment Center  
NOS/NOAA

Daniel Welsh, Contaminants/NRDAR Coordinator  
USFWS/DOI

FROM: Katherine A. Pease  
Senior Counselor for Natural Resources

SUBJECT: Montrose Past Costs - Partial Payment to Department of the Interior

Bill asked that I calculate a partial payment figure for the Department of the Interior that NOAA would feel comfortable support pending resolution of cost accounting issues. That figure is \$910,345.00. Below is a brief discussion of how I calculated that number.

I compared the Rubino Reconciliation Cost Table with the Rubino March 2000 report. The Rubino March 2000 report covered Interior's costs through September 30, 1995. I accepted those figures without question. Although not included in that report, I also accepted the figures for the Office of the Solicitor, the Office of Environmental Policy and Compliance and the National Park Service's boat costs which were included on the Rubino table. I next used the overhead rates for Interior and for the FWS that Dan provided (see Attachment A). With those rates, the amount totaled approximately \$2,413,793. I then deducted \$1,200,000 previously reimbursed to Interior, leaving \$1,213,793. Because the total assessment costs for the case appear to exceed the \$35,000,000 cap established by the Montrose Trustee Council, I applied a 25% reduction which resulted in the \$910,345.00 figure.

The 25% reduction is a temporary withholding which provides a cushion should we have to pro rate the final payments.

cc: McKinley  
Bannon



## ATTACHMENT A

### BREAKDOWN ON INTERIOR'S OVERHEAD CALCULATION

#### Office of Environmental Policy & Compliance

Direct Labor & Benefits	\$2464.50
16.84% DOI overhead	415.02
Travel	1125.44
<b>Total</b>	<b>\$4004.96</b>

#### Office of the Solicitor

Direct Labor & Benefits	\$60,345.72
16.84% DOI overhead	10,162.22
Travel	5,190.85
<b>Total</b>	<b>\$75,698.79</b>

#### National Park Service

Direct Labor & Benefits	\$ 1251.35
16.84% DOI overhead	210.73
Travel	996.32
Vessel Costs	90,487.28
<b>Total</b>	<b>\$92,945.68</b>

#### U.S. Fish & Wildlife Service

Direct Labor & Benefits	\$203,980.97
16.84% DOI overhead	34,350.40
15% FWS overhead <sup>1</sup>	16,301.45
19% FWS overhead	18,107.88

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<sup>1</sup>The USFWS overhead for non-contractual costs was 15% for FY89-93 and 19% for FY 94-98. Labor costs (and other non-contractual costs such as travel) were allocated into fiscal years and then the appropriate rate was applied.

Travel	25,265.13
15% FWS overhead	2,110.54
19% FWS overhead	2,127.02
Other Direct Costs - Contractual	41,918.18
8.5% FWS overhead <sup>2</sup>	68.00
10% FWS overhead	4,111.82
Other Direct Costs - Non-Contractual	4,125.74
15% FWS overhead	339.04
19% FWS overhead	354.30
Contracts & Agreements	1,727,963.40
8.5% FWS overhead	72,394.54
10% FWS overhead	87,626.30
<b>Total</b>	<b>\$2,241,144.20</b>

**GRAND TOTAL    \$2,413,793.63**

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<sup>2</sup>The USFWS overhead for contractual costs was 8.5% for FY89-93 and 10% for FY 94-98. Contractual costs were allocated into fiscal years and then the appropriate rate was applied.




**EXHIBIT 3**

TRUSTEE COUNCIL RESOLUTION 02-4  
ADOPTED June 11, 2002

MONTROSE TRUSTEE COUNCIL RESOLUTION REGARDING  
PAST COSTS - Reimbursement to the  
California State Lands Commission

1. The National Oceanic and Atmospheric Administration; the State of California acting through the State Lands Commission, the Department of Parks & Recreation and the Department of Fish & Game; and the Department of the Interior, acting through the U.S. Fish & Wildlife Service and the U.S. Park Service are the natural resource trustees (Trustees) for natural resources injured by releases of DDT and PCBs into the Southern California Bight.
2. Sums recovered in the civil action *United States, et al. v. Montrose Chemical Corp., et al.*, No. CV 90-3122-R (C.D. Cal. 1990) are being held in a registry account administered by the U.S. District Court for the Central District of California.
3. The Trustees have entered into a memorandum of agreement (MOA), as modified, that establishes a Trustee Council (Montrose Trustee Council) composed of one voting member for each trustee agency. Under the terms of that MOA, the Montrose Trustee Council is authorized to disburse funds for activities related to the damage assessment and restoration process.
4. The Montrose Trustee Council resolves unanimously to authorize disbursement of \$17,300.21 from the registry account to the California State Lands Commission for reimbursement for full past damage assessment costs.
5. The effective date of the Resolution shall be the date on which the last Trustee signs this document.

CONCURRED in by the following who are the duly authorized Montrose Trustee Council Representatives:

  
William Conner  
National Oceanic &  
Atmospheric Administration

6/11/02  
Date



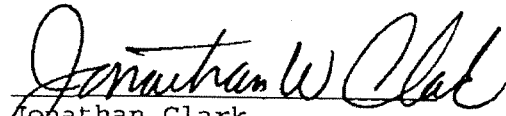
Daniel Welsh  
U.S. Fish & Wildlife Service

6/11/02  
Date



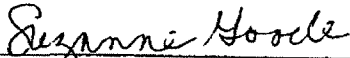
Timothy J. Setnicka  
National Park Service

6/11/02  
Date



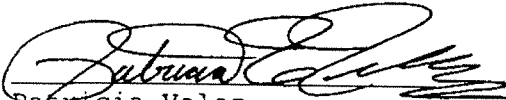
Jonathan Clark  
State Lands Commission

June 11, 2002  
Date



Suzanne Goode  
Department of Parks &  
Recreation

6-11-02  
Date



Patricia Velez  
Department of Fish & Game

6-11-02  
Date


**EXHIBIT 4**

TRUSTEE COUNCIL RESOLUTION 02-7  
ADOPTED August 21, 2002

MONTROSE TRUSTEE COUNCIL RESOLUTION REGARDING PAST COSTS -  
Partial Reimbursement to the  
California Department of Fish and Game

1. The National Oceanic and Atmospheric Administration; the State of California acting through the State Lands Commission, the Department of Parks & Recreation and the Department of Fish & Game; and the Department of the Interior, acting through the U.S. Fish & Wildlife Service and the U.S. Park Service are the natural resource trustees (Trustees) for natural resources injured by releases of DDT and PCBs into the Southern California Bight.
2. Sums recovered in the civil action *United States, et al. v. Montrose Chemical Corp., et al.*, No. CV 90-3122-R (C.D. Cal. 1990) are being held in a registry account administered by the U.S. District Court for the Central District of California.
3. The Trustees have entered into a memorandum of agreement (MOA), as modified, that establishes a Trustee Council (Montrose Trustee Council) composed of one voting member for each trustee agency. Under the terms of that MOA, the Montrose Trustee Council is authorized to disburse funds for activities related to the damage assessment and restoration process.
4. The Montrose Trustee Council resolves unanimously to authorize disbursement of \$353,685.00 from the registry account to the California Department of Fish and Game for partial reimbursement for incurred past damage assessment costs.
5. The effective date of the Resolution shall be the date on which the last Trustee signs this document.

CONCURRED in by the following who are the duly authorized Montrose Trustee Council Representatives:

  
\_\_\_\_\_  
William Conner  
National Oceanic &  
Atmospheric Administration

7/10/02  
Date

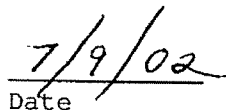
MSRP Resolution 02-7

Page 2



Daniel Welsh

U.S. Fish & Wildlife Service



Date

\_\_\_\_\_  
Timothy J. Setnicka  
National Park Service

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Date

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Jonathan Clark  
State Lands Commission

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Date

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Suzanne Goode  
Department of Parks &  
Recreation

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Date

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Patricia Velez  
Department of Fish & Game

\_\_\_\_\_  
Date

MSRP Resolution 02-7  
Page 2

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Daniel Welsh  
U.S. Fish & Wildlife Service

\_\_\_\_\_  
Date

*Tim Setnicka*  
\_\_\_\_\_  
Timothy J. Setnicka  
National Park Service  
1

*7/9/02*  
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Date

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Jonathan Clark  
State Lands Commission

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Date

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Suzanne Goode  
Department of Parks &  
Recreation

\_\_\_\_\_  
Date

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Patricia Velez  
Department of Fish & Game

\_\_\_\_\_  
Date

MSRP Resolution 02-7

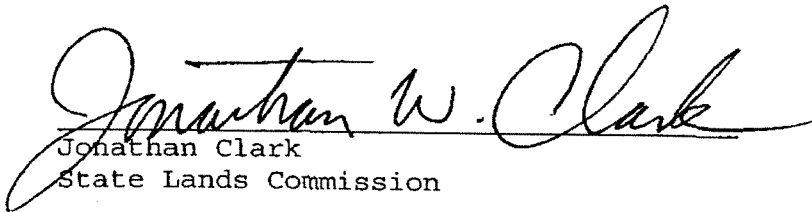
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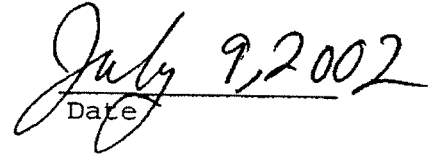
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Daniel Welsh  
U.S. Fish & Wildlife Service

\_\_\_\_\_  
Date

\_\_\_\_\_  
Timothy J. Setnicka  
National Park Service

\_\_\_\_\_  
Date

  
Jonathan Clark  
State Lands Commission

  
Date

\_\_\_\_\_  
Suzanne Goode  
Department of Parks &  
Recreation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Patricia Velez  
Department of Fish & Game

\_\_\_\_\_  
Date



MSRP Resolution 02-7  
Page 2

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Daniel Welsh  
U.S. Fish & Wildlife Service

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Date

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Timothy J. Setnicka  
National Park Service

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Date

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Jonathan Clark  
State Lands Commission

\_\_\_\_\_  
Date

*Suzanne Goode*  
\_\_\_\_\_  
Suzanne Goode  
Department of Parks &  
Recreation

*8-21-02*  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Patricia Velez  
Department of Fish & Game

\_\_\_\_\_  
Date

\_\_\_\_\_  
Daniel Welsh  
U.S. Fish & Wildlife Service

Date \_\_\_\_\_

\_\_\_\_\_  
Timothy J. Setnicka  
National Park Service


Date \_\_\_\_\_

\_\_\_\_\_  
Jonathan Clark  
State Lands Commission

Date \_\_\_\_\_

\_\_\_\_\_  
Suzanne Goode  
Department of Parks &  
Recreation

Date \_\_\_\_\_

  
\_\_\_\_\_  
Patricia Velez  
Department of Fish & Game

Date

7-12-02

SCANNED

**EXHIBIT 5**

MONTROSE TRUSTEE COUNCIL RESOLUTION  
REIMBURSEMENT OF PAST DAMAGE ASSESSMENT COSTS

At a meeting of the Montrose Trustee Council (Council) on November 9, 1994, a quorum being present, the Council ratified its position from the August 25, 1994, meeting and adopted the following resolution:

The National Oceanic and Atmospheric Administration, a natural resource trustee pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and other Federal laws is authorized to withdraw at its discretion up to two million dollars (\$2,000,000.00) from the United States, et al. v. Montrose Chemical Corporation of California, et al., Registry Account for reimbursement of past costs associated with the damage assessment related to the above-mentioned case.

We, the undersigned authorized Trustees adopt the foregoing resolution:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

BY: WAC 11/9/94  
Dr. William Conner Date  
Director, NOAA Damage Assessment Center  
Authorized Official

U.S. FISH AND WILDLIFE SERVICE

BY: Roger C. Helm 11/9/94  
Dr. Roger Helm Date  
Branch Chief, Natural Resource  
Damage Assessment and Spill Response  
Authorized Official

NATIONAL PARK SERVICE

BY: C. Mack Shaver 11/9/94  
C. Mack Shaver Date  
Superintendent, Channel Islands  
National Park  
Authorized Official

## CALIFORNIA DEPARTMENT OF FISH AND GAME

BY:

Dr. Michael Martin  
Staff Toxicologist  
Authorized Official

Date

11-9-94

*Michael Martin*

## CALIFORNIA STATE LANDS COMMISSION

BY:

*Lance Kiley*  
Lance Kiley  
Staff Counsel  
Authorized Official

Date

11-9-94

## CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

BY:

*Daniel C. Preece*  
for Daniel C. Preece  
District Superintendent  
Authorized Official

Date

11/9/94

SCANNED

**EXHIBIT 6**

TRUSTEE COUNCIL RESOLUTION 01-3  
ADOPTED MAY 23, 2001

MONTROSE TRUSTEE COUNCIL  
RESOLUTION REGARDING REIMBURSEMENT OF  
PAST DAMAGE ASSESSMENT COSTS FOR  
THE NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION


1. The National Oceanic and Atmospheric Administration; the State of California acting through the State Lands Commission, the Department of Parks & Recreation and the Department of Fish and Game; and the Department of the Interior, acting through the U.S. Fish & Wildlife Service and the U.S. Park Service are the natural resource trustees (Trustees) for resources injured by releases of DDT and PCBs into the Southern California Bight.
2. Sums recovered in the civil action *United States, et al. v. Montrose Chemical Corp., et al.*, No. CV 90-3122-R (C.D. Cal. 1990) are being held in several accounts including the registry account administered by the U.S. District Court for the Central District of California.
3. The Trustees have entered into a memorandum of agreement (MOA), as modified, that establishes a Trustee Council (Montrose Trustee Council) composed of one voting member for each trustee agency. Under the terms of that MOA, the Montrose Trustee Council is authorized to disburse funds for reimbursement of costs related to damage assessment activities.
4. To help fund damage assessment activities related to the DDT and PCB contamination of the Southern California Bight, NOAA established a reimbursable account.
5. The Montrose Trustee Council acknowledges that NOAA has:
  - a) expended at least \$26.5 million reimbursable account costs) from that account; and
  - b) expected repayment of reimbursable account past costs successful conclusion of the litigation.
6. The Montrose Trustee Council also recognizes that NOAA has incurred other past damage assessment costs, including additional reimbursable account past costs, which are not addressed by this resolution.
7. The Montrose Trustee Council resolves unanimously to authorize the following payment schedule for \$26.5 million of

NOAA's reimbursable account past costs:

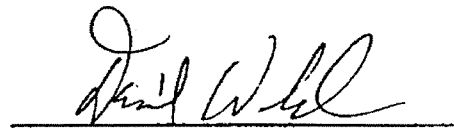
- a) \$4 million on January 2, 2002;
- b) \$4 million on January 2, 2003;
- c) \$4 million on January 2, 2004;
- d) \$4 million on January 2, 2005;
- e) \$4 million on January 2, 2006;
- f) \$4 million on January 2, 2007;
- g) \$2.5 million on January 2, 2008

8. The effective date of this resolution shall be the date on which the last Trustee signs this document.

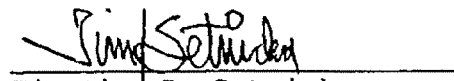
CONCURRED in by the following who are the duly authorized Montrose Trustee Council Representatives:

  
William Conner  
National Oceanic &  
Atmospheric Administration

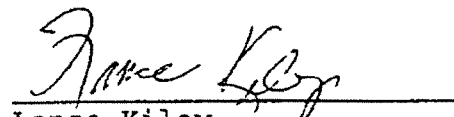
5/23/01  
Date

  
Daniel Welsh  
U.S. Fish & Wildlife Service

5/20/01  
Date

  
Timothy J. Setnicka  
National Park Service

5/23/01  
Date

  
Lance Kiley  
State Lands Commission

5-25-0  
Date



Suzanne Goode  
Suzanne Goode  
Department of Parks &  
Recreation

5-23-01  
Date

Patricia Velez  
Patricia Velez  
Department of Fish & Game

5-23-01  
Date